

**BROKEN ARROW CITY COUNCIL
AGENDA
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
April 15, 2008**

6:30 PM

- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Pledge of Allegiance to the Flag**
- 5. Consideration of Consent Agenda**
 - A. Approval of the regular meeting minutes of April 1, 2008
 - B. Acceptance of minutes of a Planning Commission meeting held March 27, 2008
 - C. Approval of and authorization for the Mayor to execute a proclamation declaring April 21-25, 2008 as "Senior Citizens Week" in the City of Broken Arrow
 - D. Approval of and authorization for the Mayor to execute a proclamation declaring May 4-10, 2008 as "Youth Week" in the City of Broken Arrow
 - E. Approval of and authorization for the Mayor to execute a proclamation declaring May 5-9, 2008 as "Teacher Appreciation Week", in the City of Broken Arrow
 - F. Ratification of action taken by the Broken Arrow Municipal Authority which approved Change Order No. 1 for increase in operational cost for Haikey Creek Wastewater Treatment Plant
 - G. Approval of waivers for TNT Fireworks and Jake's Fireworks to operate fireworks stands at 15604 East 101st Street (New Orleans Street) and 14016 East 111th Street (Florence Avenue), for the period June 15 through July 4, 2008
 - H. Approval of and authorization to execute written requests to Presidents of the Tulsa County and Wagoner County Bar Associations for recommendations to the Judicial Nominating Committee
 - I. Approval of and authorization to execute an Arrangement Letter with Tullius Taylor Sartain & Sartain, LLP to conduct the Fiscal Year 2008 Audit
 - J. Approval of and authorization to execute an Easement Sidewalk/Boardwalk Agreement with Los Cabos Broken Arrow, LLC (S2 T18N R14E)
 - K. Approval of and authorization to execute a Gas Facilities Relocation Agreement with Oklahoma Natural Gas Company (ONG) for relocations along Olive Avenue/129th Street from Houston/81st Street to Kenosha/71st Street
 - L. Approval of and authorization to execute a Parks and Recreation Use Agreement with the Broken Arrow Historical Society for use of 400 S. Main Street Historical Museum and 1800 S. Main Street "Building A" (to include: reception area, Main Museum Room, Museum Storage, and Restroom), from the date of execution through April 1, 2009

- M. Approval of SP-167C, The Assembly of God Church, 40 acres, A-1/SP-167B, northeast corner of Olive Avenue (129th East Avenue) and New Orleans Street (101st Street South)
- N. Approval to reject all bids received for a City-wide Heating, Ventilation, and Air Conditioning (HVAC) service agreement to maintain and repair HVAC systems in all City owned buildings
- O. Approval of bids received and award of the most advantageous bid to Storm Reconstruction Services, Inc., for transportation of storm debris from two parks debris sites to the disposal site at NSU
- P. Approval of proposal received and award the purchase to ProLink Solutions, LLC for the upgrade of 70 geographical position systems (GPS) for the golf car fleet at Battle Creek Golf Course
- Q. Acceptance two Non-Exclusive Utility Easements from The Robson Companies, Inc. (S15 T18N R15E) [Project: Highlands III at Forest Ridge Offsite Utility easement]
- R. Acceptance of a Temporary Construction Easement from B-Z Properties, LLC (S7 T18N R15E) (Project #ST0545 - 209th E. Avenue Pavement Reconstruction)
- S. Acceptance of a Temporary Construction Easement from Northeastern State University (S19 T18N R15E) (Project # ST9814A - Washington/91st Street Extension from 23rd Street to SH51)
- T. Acceptance of a General Warranty Deed from B-Z Properties, LLC (S7 T18N R15E) (Project # ST0545 - 209th E. Avenue Pavement Reconstruction)
- U. Acceptance of a General Warranty Deed from Northeastern State University (S19 T18N R15E) (Project #ST9814A - Washington/91st Street Extension From 23rd Street to SH51)
- V. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths

- A. Award: Approval and presentation of the "Employee of the Quarter" award recognizing Scott Gilbert, for the term January through March 2008
- B. Presentation: Consideration and possible authorization for the Mayor to execute and present a proclamation declaring the week of April 27 - May 3, 2008 as "Volunteers In Police Service Week", in Broken Arrow

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (approximately 7:00 p.m.)

9. General Council Business

- A. Consideration, possible approval of and authorization to execute an Option to Purchase 76.26 acres of real property located in the City of Broken Arrow, Wagoner County
- B. Consideration and possible approval of BACP 94, Metropolitan Station Apartments, 23.04 acres, IL, Levels 3 and 6 to Level 3, one-quarter mile west of Aspen Avenue (145th East Avenue), one-quarter mile north of Kenosha Street (71st Street)
- C. Consideration, possible approval of and authorization to execute Major Change Order No. M02 to the Vision 2025 Gateways and Streetscapes construction contract

- D. Consideration and possible approval of proposed Residential Fee restructure for Mechanical, Electrical and Plumbing Inspections and associated fee increases for Commercial and Residential; and authorization to revise Chapter 6, Article IX, Building Permit Fees And Charges, for subsequent preview and final ordinance adoption
- E. Consideration and possible approval of Resolution No. 515 - a resolution of necessity for authority to proceed with condemnation of property located at 2018 Angus Drive, Broken Arrow, Wagoner County, Oklahoma (East Kenosha Widening Project - N. 23rd to N. 37th Street)
- F. Consideration and possible reappointment of Archer Honea and Dick Baze, each to serve an additional three-year term on the Broken Arrow Board of Adjustment, which terms will expire May 2011

10. City Manager's Report

- A. Management Development and Enhancement Process for Fire Department

11. Preview Ordinances

- A. An ordinance amending Article I, In General, Chapter 23, Section 23-26, Reserved, of the Broken Arrow Code to be amended to Grounds for Towing of Vehicle from Roadway; repealing all ordinances to the contrary; and declaring an emergency

12. Ordinances

- A. Ordinance No. 2958 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1775, granting a CH zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- B. Ordinance No. 2959 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1655, granting a RS-3 along with PUD 148 zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- C. Ordinance No. 2960 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1665, granting an RS-3 zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- D. Ordinance No. 2961 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1696, granting CH along with PUD 166A zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- E. Ordinance No. 2962 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1723, granting RS-3 zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
- F. Ordinance No. 2963 - an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1762, granting CH zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

13. Remarks and Inquiries by Governing Body Members

14. Executive Session for the purpose of confidential communications between the City Council, the City Manager, the Assistant City Manager and the City Attorney for the purpose of conferring on matters concerning the purchase and appraisal of real property associated with a potential Events Park located southwest of Kenosha and South Evans Road in Wagoner County as previously identified in the Agenda under 25 O.S. § 307(B)(3); possible purchase and appraisal of real estate located at New Orleans and 209th Street under 25 O.S. §307(B)(3); matters concerning discussion of a proposed economic development contract regarding property located at 209th and Kenosha which may include the purchase and appraisal of property, financing and the creation of a proposal to entice a business to locate in Broken Arrow, all under 25 O.S. § 307(C)(10) and § 307(B)(3) as public disclosure could violate the confidentiality of the business; negotiations with employees and representatives of employee groups, specifically the Fraternal Order of Police and the IAFF under 25 O.S. § 307(B)(2); and pending litigation concerning United States of America v. Union Pacific Railroad Company (Double Eagle Refinery Superfund Site, Oklahoma City, OK), United States District Court for the Western District of Oklahoma, Case No. 5:06-CV-0887-C; City of Broken Arrow v. Travis Freeman, et al., Tulsa County District Court Case Number CJ-2008-112; City of Broken Arrow v. Gloria J. Mayfield, et al., Tulsa County District Court Case Number CJ-2008-01625; City of Broken Arrow v. Helen Blankenship Living Trust, et al., Tulsa County District Court Case Number CJ-2008-1125; and KOKI Fox 23 News v. The City of Broken Arrow, Tulsa County District Court Case Number CJ-2007-7786 under 25 O.S. § 307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

15. Adjournment

NOTICE:

All cell phones and pagers must be turned OFF or operated SILENTLY during Council meetings.

Exhibits, petitions, pictures, etc., presented to the authority shall be received and deposited in case files to be kept at the Broken Arrow City Hall.

If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this ____ day of _____, 2008, at _____ a.m./p.m.

City Clerk